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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1250th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 22 October 2014, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Poland (continued) (CEDAW/C/POL/7-8; CEDAW/C/POL/Q/7-8 and Add.1)

Articles 10 to 14 (continued)

1. *At the invitation of the Chairperson, the delegation of Poland took places at the Committee table.*

2. **Ms. Skórka** (Poland) said that girls enjoyed full access to vocational training and advisory services. Tests and various diagnostic tools were used to help older students make choices about the future. Support had been provided to several thousand advice centres and even more trainers, counsellors and secondary school teachers would receive training on how to give careers advice.

3. As to the issue of removing stereotypes from textbooks, the latter were submitted for approval to experts, who assessed their compatibility with the curriculum and their linguistic and educational content. The current law on education specified the requirements governing both the approval of textbooks and experts in that regard. The Minister of National Education could have textbooks withdrawn from circulation if they included serious mistakes and request major amendments to educational materials prior to expert assessment. Work was ongoing to reassess and update textbooks based on equal opportunities criteria. Teachers received training on equal opportunities in education and the development of tolerance

4. Sex education in the State party was based on the Act on family planning of 7 January 1993, and focused, inter alia, on parenthood, the value of life and the prenatal development of the human foetus. In compliance with Ministry of National Education regulations, the contents of sex-education classes were agreed on by teachers, parents and students who had come of age. Such classes were optional. Training workshops had also been organized to improve sex education.

5. Expectant and postnatal mothers had the right to psychological and other assistance in schools or specialist counselling centres and could request one-on-one tuition or to continue attending normal classes. Places at kindergarten were set aside for the children of students. Special support teams made up of school directors, teachers and parents provided assistance to expectant and postnatal mothers. Such students could sit tests and exams at times convenient to them. Teachers and parents worked together to draw up student-support plans and schools also worked with social services or charities to provide assistance.

6. **Ms. Fuszara** (Poland) said that 60 per cent of university graduates were women. Girls were less likely than boys to attend technical or vocational schools, although the authorities were trying to encourage them to do so. She pointed out that 53 per cent of doctoral graduates were women and the number of women at post-doctoral degree level was growing. Currently, 17 to 20 per cent of university professorships were held by women.

7. **Ms. Kiersnowska** (Poland) said that the Government was working to increase the percentage of women in the national labour market through advisory services, training programmes and financial assistance for entrepreneurs. To date more women than men had taken up the offer of funding. She referred to a number of Ministry of Labour and Social Policy programmes that promoted the participation of women in the labour market by disseminating information about how to start up a company. Over the past 15 years, the

Ministry had granted over 150 million zlotys in loans to entrepreneurs, leading to the creation of around 90,000 jobs.

8. Depending on the methodology used, the wage gap in the State party ranged from 6 to 20 per cent, with Eurostat studies placing it at 6.4 per cent in 2012. The Government was working to change the stereotype of women as high-risk, less flexible employees through a number of projects designed to reconcile work commitments with family life and to support entrepreneurship among women. The National Plan of Action for Equal Treatment for 2013–2016 aimed to bridge the wage gap, as did a number of activities run jointly by the Ministry of Labour and Social Policy and the Office of the Government Plenipotentiary for Equal Treatment.

9. Over recent years public awareness of gender-based discrimination and sexual harassment had grown, with a resulting increase in the number of complaints regarding such conduct filed with the National Labour Inspectorate, which examined the measures taken by the employer to address the issue. The labour court was the competent authority to deal with labour disputes involving discrimination and had heard several thousand such cases in 2013.

10. She described the State party's extensive system of leave for parents, as set out in paragraphs 189 to 191 of the State party's report. Parents had the right to work part-time when on additional maternity leave or parental leave. A period of one year's paid leave was granted in the event of the birth of one child. The duration of child-care leave was 36 months. Initially, one month of leave was granted specifically to each of the parents, who could then divide up the remaining leave between themselves. As to the issue of kindergartens in rural areas: in 2012, a number of legal measures had been adopted allowing for the establishment of kindergartens, children's clubs and other types of child-care facilities for children up to 3 years of age.

11. Returning to the issue of the gender wage gap, data gathered from more than 28,000 companies and disaggregated by sex, type of profession and size of company were available. Studies were carried out by the State party on a bi-yearly basis. Data on disability were collected as a part of the National Census of Population and Housing. Data on disability disaggregated by sex, were published on a quarterly basis. Studies had recently been carried out on active social and professional reintegration. An increasing number of occupational therapy workshops were being held to help persons living with disabilities to re-enter society and employment.

12. **Ms. Bareiro-Bobadilla** asked what steps were being taken to improve working conditions for women employed in the informal sector. Working in an underregulated sector exacerbated women's inequality with regard to pay and other working conditions. She wondered whether, given that in Poland occupations were largely segregated by gender, the State party should promote equal pay for work of equal value, rather than equal pay for equal work. She asked whether available mechanisms for denouncing sexual harassment in the workplace were actually used.

13. **Ms. Gbedemah** said that the Committee would have liked to receive more data on the phenomenon of girls' interrupting vocational training to enrol at universities. She asked whether the State party would consider instituting temporary special measures to encourage girls enrolled at vocational institutions to study technical and scientific subjects. Had the impact of the Girls to Universities of Technology initiative and the National Action Plan for Equal Treatment 2013–2016 been evaluated? She requested information on how Roma girls fared in the educational system.

14. **Ms. Bolesta** (Poland) said that under Polish law complaints about sexual harassment followed the same procedure as complaints about other violations of labour legislation.

15. **Ms. Kiersnowska** (Poland), replying to a question about temporary employment, said that while so-called civil, or temporary, work contracts provided less protection to workers than regular contracts, they were an alternative to unemployment. It was illegal to replace a worker's regular contract with a temporary contract, and violations were punishable by fines. The Ministry of Labour and Social Policy was working to amend the regulations governing temporary employment.

16. **Ms. Różycka** (Poland), replying to a question about Roma girls, said that, while her Government did not collect ethnicity-based statistics, it produced estimates based on other data sources. For example, schools reported the numbers of Roma students enrolled, as such students required extra support in areas such as Polish language instruction. Also, since 2004, each region had offered educational programmes for the Roma community, and had reported to the Government on the participation of Roma children in such activities. A large majority of Roma children of primary school age did attend school; it was at the secondary level that attendance fell, partly for cultural reasons. For example, Roma parents might keep adolescent girls home to protect them from premature marriage and kidnapping; her Government provided tutoring for such girls. Furthermore, many Roma children entered the workforce early, although the trend was slowly changing.

17. **Ms. Fuszara** (Poland) said that there had been campaigns to encourage girls to pursue technical careers, and that enrolments at technical universities were increasing even as the overall student population decreased.

18. **The Chairperson**, commending the State party for having established a data-collection system for nearly all the areas covered by the Convention, said that nevertheless such data should have been annexed to the report, as recommended in the harmonized guidelines on reporting, rather than being presented orally at the meeting.

19. **Ms. Schulz** noted that since the passage of the Act on family planning in 1993, which had drastically tightened restrictions on abortions, the number of legal and illegal abortions in Poland had skyrocketed. That was partly because some of the most effective forms of contraception were not reimbursed by the public health-care system, and because adolescents, victims of sexual violence and members of marginalized groups had limited access to preventive health care. Those issues had been raised by various United Nations committees and had been the focus of three important rulings by the European Court of Human Rights. Regrettably, the situation in Poland had not changed much, and many of the Committee's questions remained unanswered.

20. She asked whether the State party intended to bring its Act on family planning into line with the legislation of European countries which, perhaps because of their more liberal laws, had much lower rates of abortion. Would the State party take up the Committee's recommendation, made in 2007 in the concluding comments on the combined fourth, fifth and sixth periodic reports of Poland (CEDAW/C/POL/CO/6), to conduct research on the causes of illegal abortions which were prevalent in Poland?

21. How did the State party ensure that someone meeting the criteria of the law on family planning for obtaining an abortion did not face additional obstacles? Did the State party intend to establish uniform standards for medical practitioners applying the criteria – for example, to ensure that doctors did not abuse the "conscience clause"? The system established by the Act of 5 December 1996 on medical and dental practitioners seemed flawed, especially as its application was overseen by a medical body, with no governmental monitoring, and the Act of 6 November 2008 on patients' rights did not adequately remedy the situation.

22. Given that in Poland abortion seemed to be used as a routine albeit dangerous form of contraception, did the State party intend to improve the availability of modern, effective, safe forms of contraception? Were rape victims systematically offered access to emergency

contraception and post-exposure prophylaxis to prevent HIV transmission? How did the State party intend to improve access to reproductive health services for women in rural areas and for marginalized groups such as the Roma, asylum seekers and women with disabilities?

23. **Ms. Halperin-Kaddari** asked how the State party proposed to boost pension benefits for women who instead of engaging in paid work did unpaid household work at home. She noted that, while in paragraph 172 of the report it was stated that household chores were not considered employment work, it was also stated that in 2004, for example, unpaid household labour by women had accounted for 19 per cent of the country's GDP. With so-called housewives not contributing to their pension funds, and with the retirement age rising, the pension gap between women and men was only widening.

24. Turning to the issue of child support, she asked whether the Government was considering reinstituting an earlier arrangement whereby the amount of child support to be paid was based on a court judgement and not on the mother's salary, as the current arrangement discouraged mothers from working.

25. **Ms. Zou** Xiaoqiao asked what measures were being taken to improve the lives of rural women, who were disproportionately affected by poverty and were underrepresented in public life and decision-making. Had the impact of the Rural Development Programme for 2007–2013 been assessed, and were there plans to extend it? What was the situation regarding landownership by rural women? She requested statistical data, disaggregated by gender, on people living in poverty in Poland.

26. **Ms. Korbasińska** (Poland) said that her Government had no plans to amend the current legislation on abortion. A total of 744 legal abortions had been performed in Poland in 2013. Abortions could be performed only with the consent of the person undergoing the procedure. Girls younger than 13 could not give consent but must be heard by the court. Older girls participated in the decision-making process. If an older girl and her parents disagreed, the court ruled on the matter. The situation regarding illegal abortions in Poland had not been studied, and no scientific centre had requested funding for such research.

27. National legislation guaranteed women full access to maternal health services, including abortion in certain cases. National and regional authorities responsible for oversight of gynaecological and obstetrics services provided training on reproductive health rights to hospital staff that covered relevant European and national regulations. The "conscience clause" could be invoked by individual doctors who chose not to perform an abortion but not by a hospital in itself. The use of that clause was monitored by the Ministry of Health. The Act on patients' rights provided for an appeal procedure in the event of refusal to perform an abortion. Following consultation with NGOs, a bill to amend the Act on patients' rights had been drafted, which, inter alia, shortened the time frame for lodging an appeal. While State funding for contraception was limited, some public funding was earmarked for reproductive health counselling for girls and women, including on contraception, and for the provision of intrauterine devices. The cost of the contraceptive pill was not, however, prohibitive for most women.

28. Under Polish legislation medical assistance and treatment was provided for minors who were victims of rape at dedicated medical centres. Medical examinations were performed in order to determine whether the victims were pregnant or had contracted a sexually transmitted disease. If necessary, emergency contraception and medical treatment, including antiretroviral therapy for HIV/AIDS, was administered. The waiting period for services or consultations in certain medical centres was protracted not because of restricted access to health care but instead because of patients' preference for a specific medical practitioner, particularly with regard to obstetric care.

29. **Ms. Kiersnowska** (Poland) said that no amendments were currently envisaged to the criteria for child support benefits. The Act on pensions had been reviewed to raise the retirement age and increase people's economic activity prior to and during retirement. Equally, the Solidarity between Generations programme was primarily intended to increase employment of all older persons through government initiatives and awareness-raising campaigns. In addition, a government-funded programme was in place to encourage social activity among older persons, and the framework policy on older persons for 2014–2020 focused on generating employment for older women.

30. **Ms. Karnafel-Wyka** (Poland) said that a number of rural development programmes had been launched within the framework of the agricultural policy to boost employment of rural women. The farmers' social insurance scheme covered agricultural workers, including workers who were also engaged in other occupational activities. Funding from the European Cohesion Fund would be utilized for vocational training for agricultural workers. Programmes had been launched for the development of rural areas, including the modernization of farm holdings and an improvement in the living standards of rural communities. The vast number of local action groups in rural areas, many of which were run by women, aimed to increase social capital. Research had revealed that rural women participating in such action groups had considerable political awareness: almost half of them were involved in local council activities. Access to public transport in rural areas had improved, thereby increasing access to social services. The Government aimed to decrease the poverty rate in rural areas, which currently stood at 20 per cent of households. Rural women, including housewives and female domestic workers, were covered by the national social security scheme and the pension fund.

Articles 15 to 16

31. **Ms. Halperin-Kaddari** asked whether women were informed of the consequences of their choices regarding matrimonial property regimes prior to taking those decisions, and whether the equal distribution of assets under the joint property regime included intangible assets such as retirement pensions and savings. Did legislation on alimony ensure that the spouse who was at fault in a fault-based divorce did not suffer financial consequences? Did Polish legislation recognize de facto unions and ensure that unmarried couples enjoyed the same rights as married couples, including inheritance and property rights, and entitlement to in vitro fertilization treatment? Lastly, could same-sex couples formalize their partnerships and could women in such unions enjoy their right to motherhood?

32. **Ms. Dąbrowiecka** (Poland) said that the Family and Guardianship Code provided for equal distribution of property under the joint property regime. Couples were entitled to specify the distribution of property and contributions to child-rearing were taken into account in divorce settlements.

33. **Ms. Pawlęga** said that in a fault-based divorce the spouse who was at fault was required to pay alimony. Before they married, couples were made aware of the financial consequences of divorce and of the possibility of concluding a prenuptial agreement. While de facto unions were not legally recognized, in practice, persons in such partnerships enjoyed protection, particularly in respect of inheritance rights and protection against violence.

34. **Ms. Korbasińska** (Poland) said that the right to in vitro fertilization treatment was not limited to married couples.

35. **Ms. Schulz** asked why discussions on the issue of illegal abortion had stagnated and why the Government did not initiate studies into that issue. The extremely high rate of illegal abortion indicated a certain level of acceptance. She wondered whether the

Government might consider holding a non-religious public discussion to address the real situation.

36. **Ms. Halperin-Kaddari** asked whether in vitro fertilization was available to single women.

37. **Ms. Korbasińska** (Poland) said that in vitro fertilization treatment would be extended to single women after the relevant law had been revised and amended. Currently, other forms of legal artificial insemination were available to single women. It was not feasible for the Government to conduct research into the prevalence of illegal abortion. Any such research would need to be led by an independent body. Data provided by NGOs on the issue were disparate and inconsistent. However, civil society did not tolerate illegal abortion and for many years been organizing campaigns and protests on the issue, often directed at the Ministry of Health. Furthermore, there was an ongoing debate on reproductive rights in the media and society.

38. **The Chairperson**, speaking in her capacity as an expert, said that although the Government could not carry out research into illegal abortion, it could certainly encourage and fund such research.

39. **Ms. Fuszara** (Poland), after thanking the Committee for a useful discussion, said that the lack of data in the report was indeed regrettable but emphasized that more statistics would be provided in the next periodic report. The national programmes and policies dedicated to gender equality reflected her Government's support for the Convention and the progress made to date.

40. **The Chairperson** thanked the delegation for its participation in the constructive dialogue and hoped that the Committee's recommendations and suggestions would be followed up through the State party's legislation.

The discussion covered in the summary record ended at 5.05 p.m.